


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
05 AUG 18 PM 4: 03

CHARLES WAGNER,

Plaintiff,

vs.

DOCKET NO.: 04-2696 BV

**MERIT DISTRIBUTION,
AUSTIN TRUCK & TRAILER REPAIR CENTER,
JAMES AUSTIN, SR., in his individual capacity, and
JAMES AUSTIN, JR., in his individual capacity,**

Defendants.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

**ORDER GRANTING DEFENDANTS' MOTION TO
AMEND SCHEDULING ORDER AND ANSWERS**

It appearing to the Court that Defendants James Austin, Sr.'s, Merit Distribution, Inc.'s, James Austin, Jr.'s and Austin Truck & Trailer Repair Center, LLC's Motion to Amend Scheduling Order and Answers is well taken and should be granted in that good cause is shown for the amendment of the Scheduling Order to allow Defendants to move to amend their respective answers and that Defendants motions to amend their respective answers should also be granted,

It is therefore ordered that (1) the motion to amend the Scheduling Order to allow Defendants to move to amend their respective answers to add an affirmative defense is granted; (2) Defendants' motion to amend their respective answers is allowed; (3) Defendants' motion to amend their respective answers to add an affirmative defense as

requested in the motion is granted; and (4) Defendants' respective answers are deemed with the clerk an amended answer incorporating the new defence within 10 days of entry of this order & to serve a copy of same on opposing counsel.

Defendants are directed to file
Deane K. Usow
Judge U. S. Magistrate Judge

Date: August 17, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 17 in case 2:04-CV-02696 was distributed by fax, mail, or direct printing on August 19, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT